

WASHINGTON STATE DEPARTMENT OF HEALTH OCCUPATIONAL THERAPY PRACTICE BOARD CONFERENCE CALL MEETING MINUTES

November 21, 2006
9:00 AM

On November 21, 2006, the Occupational Therapy Practice Board met via telephone conference call. In accordance with the Open Public Meetings Act, notices were sent to individuals requesting notification of meetings.

MEMBERS PRESENT

MARK LEHNER, OT, CHAIR
D. JILL PETRIE, COTA, VICE CHAIR
WENDY HOMES, OT
MICHELLE MOULTON, PUBLIC MEMBER

STAFF PRESENT

VICKI BROWN, PROGRAM MANAGER 3
DORI JAFFE, AAG ADVISOR

PUBLIC PRESENT

THERE WAS NO PUBLIC PRESENT ON THE CALL.

Tuesday, November 21, 2006 – 9:00 AM – OPEN SESSION

1. CALL TO ORDER

The meeting was called to order at 9:10 am by Mark Lehner, OT, Chair via conference call.

2. RULES

The Board approved the proposed department recommended changes to WAC 246-847-010 Definitions, WAC 246-847-110 Persons exempt from licensure pursuant to RCW 18.59.040(5) and WAC 246-847-135 Standards of Supervision, after review and discussion. The approved changes are as follows:

WAC 246-847-010 Definitions. (1) The following terms in ~~((RCW 18.59.020(2) shall mean))~~ this section apply throughout this chapter and have the following meanings:

(a) "Scientifically based use of purposeful activity" is the treatment of individuals using established methodology based upon the behavioral and biological sciences and includes the analysis, application and adaptation of ~~((activities for use with individuals having a variety of physical, emotional, cognitive and social disorders))~~ occupations. "Occupations" are activities having unique meaning and purpose in an individual's life.

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"Use of purposeful activity" is goal-directed and includes a process of continually modifying treatment to meet the changing needs of an individual. ((Purposeful activity is goal oriented and cannot be routinely prescribed.))

(b) "Teaching daily living skills" is the instruction in daily living skills based upon the evaluation of all the components of the individual's disability and the adaptation or treatment based on the evaluation. ~~((Components of a disability are physical, sensory, social, emotional and cognitive functions.))~~

(c) "Developing prevocational skills and play and avocational capabilities" ~~((is not only the development of prevocational skills and play and avocational capabilities but))~~ also involves the scientifically based use of purposeful activity.

(d) ~~((("Designing, fabricating, or applying selected orthotic and prosthetic devices or selected adaptive equipment" is not specific occupational therapy services if a person designs, fabricates, or applies selected orthotic and prosthetic devices or selected adaptive equipment for an individual if the device or equipment is prescribed or ordered by a health care professional authorized by the laws of the state of Washington to prescribe the device or equipment or direct the design, fabrication, or application of the device or equipment.~~

~~((e)))~~ "Adapting environments for ((the handicapped)) individuals with disabilities" is the evaluation of all the components of an individual's disability ((and the adaptation of the)) in their environment ((of the individual based on the evaluation)). Adaptation of the environment may include its physical, cultural, social, personal, spiritual, temporal and virtual components. Components of a disability include but are ((physical, sensory, social, emotional and cognitive functions)) not limited to: Performance skills such as motor, process, communication and interaction skills, as well as client factors such as mental, sensory and pain, and neuromusculoskeletal functions.

(2) ~~((("Supervision" and "regular consultation" of an occupational therapy assistant by an occupational therapist in RCW 18.59.020(4) and "direct supervision" of a person holding a limited permit by an occupational therapist in RCW 18.59.040(7) shall mean face to face meetings between the occupational therapist and occupational therapy assistant and between the occupational therapist and holder of a limited permit occurring at intervals as determined necessary by the occupational therapist to establish, review, or revise the client's treatment objectives. The meetings shall be documented and the documentation shall be maintained in each client's treatment record. The failure to meet to establish, review, or revise the client's treatment objectives at sufficient intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist's license and/or the occupational therapy assistant's license to practice in the state of Washington and/or the limited permit pursuant to WAC 246-847-160 (4) and (14), 246-847-170 (2) and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.~~

(3) "Professional supervision" of an occupational therapy aide in RCW 18.59.020(5) shall mean:

(a) ~~Documented training by the occupational therapist of the occupational therapy aide in each specific occupational therapy technique for each specific client and the training shall be performed on the client;~~

~~(b) Face to face meetings between the occupational therapy aide and the supervising occupational therapist or an occupational therapy assistant under the direction of the supervising occupational therapist occurring at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once every two weeks; and~~

~~(c) The occupational therapist shall observe the occupational therapy aide perform on the client the specific occupational therapy techniques for which the occupational therapy aide was trained at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once a month.~~

~~The meetings and client contacts shall be documented and the documentation shall be maintained in the client's treatment records. The failure to meet at sufficient intervals to meet the client's needs shall be grounds for disciplinary action the client's needs shall be grounds for disciplinary action against the occupational therapist's license to practice in the state of Washington pursuant to WAC 246-847-160 (4) and (14), 246-847-170 (2) and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.~~

~~(4) Sections (2) and (3) of this rule shall not be effective until July 1, 1985.~~

~~(5)) "Regular consultation" as described in RCW 18.59.040(4) means in person contact at least monthly by an occupational therapist licensed in the state of Washington with supervision available as needed by other methods which include but are not limited to phone and e-mail.~~

~~(3) "In association" as described in RCW 18.59.040(7) means practicing in a setting in which an occupational therapist licensed in the state of Washington is available on the premises for supervision, consultation, and assistance as needed to provide protection for the client's health, safety and welfare.~~

~~(4) "Direct supervision" as described in RCW 18.59.040(7) means daily, in person contact at the work site by an occupational therapist or occupational therapy assistant licensed in the state of Washington.~~

~~(5) "Professional supervision" of an occupational therapy aide as described in RCW 18.59.020(5) means in person contact at the work site at least weekly by an occupational therapist or occupational therapy assistant licensed in the state of Washington.~~

~~(6) "Clients" include patients, students, and those to whom occupational therapy services are delivered.~~

~~((6)) (7) "Evaluation" is the process of obtaining and interpreting data necessary for treatment, which includes, but is not limited to, planning for and documenting the evaluation process and results. The evaluation data may be gathered through record review, specific observation, interview, and the administration of data collection procedures, which include, but are not limited to, the use of standardized tests, performance checklists, and activities and tasks designed to evaluate specific performance abilities.~~

~~((7)) (8) "Work site" in RCW 18.59.080 means the primary work location.~~

~~((8) "In association" for RCW 18.59.040(7) shall mean practicing in a setting in which another occupational therapist licensed in the state of Washington is available for consultation and assistance as needed to provide protection for the clients' health, safety and welfare.~~

~~(9) One "contact hour" is considered to be fifty minutes.~~

~~(10) "Peer reviewer" shall mean a licensed occupational therapist chosen by the licensee to review the self study plan and verify that the self study activity meets the objectives for peer reviewed self study as defined in WAC 246-847-065.)) (9)~~

"Consultation" means that practitioners are expected to function as consultants within the scope of practice appropriate to their level of competence.

(10) "Working days" in RCW 18.59.040(5) shall mean consecutive calendar days.

(11) "Commonly accepted standards for the profession" in RCW 18.59.040 (5)(b) and 18.59.070 shall mean having passed the National Board for Certification in Occupational Therapy or its successor/predecessor organization, not having engaged in unprofessional conduct or gross incompetency as established by the board in WAC 246-847-160 for conduct occurring prior to June 11, 1986, and as established in RCW 18.130.180 for conduct occurring on or after June 11, 1986.

(12) "Occupational therapy aide" means a person who is trained by an occupational therapist or occupational therapy assistant to perform specifically delegated tasks. Occupational therapy aides are not primary service providers of occupational therapy in any practice setting. Therefore, occupational therapy aides do not provide skilled occupational therapy services.

WAC 246-847-110 Persons exempt from licensure pursuant to RCW 18.59.040(5).

(1) To qualify for the exemption from licensure pursuant to RCW 18.59.040(5), the individual claiming the exemption shall have been actively engaged in the practice of occupational therapy within the preceding four-year period and shall in writing notify the department, at least thirty days before any occupational therapy services are performed in this state, of the following:

(a) In which state(s) the individual is licensed to perform occupational therapy services and the license number(s); and

(b) The name, address, and telephone number of at least one facility or employer where the individual has been engaged in the practice of occupational therapy within the preceding four years; or

(c) If the exemption is claimed ~~((pursuant to))~~ under RCW 18.59.040 (5)(b), the individual ~~((shall))~~ must submit a signed notarized statement attesting to:

(i) Having passed the ~~((American Occupational Therapy Certification Board))~~ National Board for Certification in Occupational Therapy examination or its successor/predecessor organization; and

(ii) Having engaged in occupational therapy practice within the preceding four years, including the name, address, and telephone number of at least one facility or employer during this period;

(iii) Not having engaged in unprofessional conduct or gross incompetency as established in WAC 246-847-160 for conduct occurring prior to June 11, 1986 and as

established in RCW 18.130.180 for conduct occurring on or after June 11, 1986(~~and not having been convicted of a crime involving moral turpitude or a felony relating to the profession of occupational therapy~~); and

(d) A signed notarized statement describing when the occupational therapy services will be performed, where the occupational therapy services will be performed, and how long the individual will be performing occupational therapy services in this state.

(2) A ninety-day temporary permit must be received by the occupational therapist prior to rendering of occupational therapy services.

~~((3) "Working days" in RCW 18.59.040(5) shall mean consecutive calendar days.))~~

NEW SECTION

WAC 246-847-135 Standards of supervision. The following are the standards for supervision of occupational therapy assistants, limited permit holders, and occupational therapy aides:

(1) Licensed occupational therapy assistants must be supervised through regular consultation by an occupational therapist licensed in the state of Washington. Regular consultation must be documented and the documentation must be kept in a location determined by the supervising occupational therapist or occupational therapy assistant.

(2)(a) A limited permit holder must work in association with an occupational therapist or an occupational therapy assistant licensed in the state of Washington with a minimum of one year of experience. Supervision shall include consultation regarding evaluation, intervention, progress, reevaluation and discharge planning of each assigned patient at appropriate intervals and documented by cosignature of notes by the supervising occupational therapist or an occupational therapy assistant.

(b) Limited permit holders who have failed the examination must be directly supervised by an occupational therapist or occupational therapy assistant licensed in the state of

Washington with a minimum of one year of experience. Direct supervision must include consultation regarding evaluation, intervention, progress, reevaluation and discharge planning of each assigned patient at appropriate intervals and documented by cosignature of notes by the supervising occupational therapist or occupational therapy assistant.

(3) Occupational therapy aides must be professionally supervised and trained by an occupational therapist or an occupational therapy assistant licensed in the state of Washington. Professional supervision must include documented supervision and training.

(a) The occupational therapist or occupational therapy assistant shall train the occupational therapy aide on client and nonclient related tasks at least once a month.

(b) When performing client related tasks, the occupational therapist or occupational therapy assistant must ensure the occupational therapy aide is trained and competent in performing the task on the specific client.

(c) The documentation must be maintained in a location determined by the supervising occupational therapist or occupational therapy assistant.

(4) Definitions of supervision can be found in WAC 246-847-010.

REPEALER

The following section of the Washington Administrative Code is repealed.

WAC 246-847-130 Definition of "commonly accepted standards for the profession."

3. **ADJOURNMENT** – The Board adjourned at 10:18 am with the next meeting scheduled for December 11, 2006 via conference call.

Respectfully submitted:

Approved:

Vicki Brown
Program Manager

Mark Lehner, OT, Chair
Occupational Therapy Practice Board